

AMENDED IN SENATE AUGUST 22, 2012

AMENDED IN SENATE AUGUST 14, 2012

AMENDED IN SENATE JUNE 25, 2012

AMENDED IN ASSEMBLY MAY 30, 2012

AMENDED IN ASSEMBLY MAY 7, 2012

AMENDED IN ASSEMBLY APRIL 24, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1875

**Introduced by Assembly Member Gatto
(Coauthor: Assembly Member Ammiano)**

February 22, 2012

An act to add Section 2025.290 to the Code of Civil Procedure, relating to depositions.

LEGISLATIVE COUNSEL'S DIGEST

AB 1875, as amended, Gatto. Civil procedure: depositions.

Existing law authorizes the use of depositions in discovery in civil actions. Any party to a civil action may take an oral deposition of any person, including other parties to the action, following service of a deposition notice notifying the deponent of the date, location, and time of the deposition, as well as any materials to be produced by the deponent.

This bill would limit a deposition of any person to ~~one day~~ of 7 hours of total testimony, except under specified circumstances. Under the bill, the court would be required to allow additional time if necessary to fairly examine the deponent. The court would also be required to allow

additional time if the deponent, another person, or any other circumstance impedes or delays the examination. *The bill would state the intent of the Legislature with regard to these matters.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2025.290 is added to the Code of Civil
2 Procedure, to read:
 - 3 2025.290. (a) Except as provided in subdivision (b), or ~~as~~
4 ~~ordered by the court by any court order, including a case~~
5 ~~management order~~, a deposition ~~is examination of the witness by~~
6 ~~all counsel, other than the witness' counsel of record, shall be~~
7 limited to ~~one day~~ of seven hours of total testimony. The court
8 shall allow additional time, *beyond any limits imposed by this*
9 *section*, if needed to fairly examine the deponent or if the deponent,
10 another person, or any other circumstance impedes or delays the
11 examination.
 - 12 (b) This section shall not apply under any of the following
13 circumstances:
 - 14 (1) If the parties have stipulated that this section will not apply
15 to a specific deposition or to the entire proceeding.
 - 16 (2) To any deposition of a witness designated as an expert
17 pursuant to Sections 2034.210 to 2034.310, inclusive.
 - 18 (3) To any case designated as complex by the court pursuant to
19 Rule 3.400 of the California Rules of Court, unless a licensed
20 physician attests in a declaration served on the parties that the
21 deponent suffers from an illness or condition that raises substantial
22 medical doubt of survival of the deponent beyond six months, in
23 which case the deposition examination of the witness by all
24 counsel, other than the witness' counsel of record, shall be limited
25 to two days of no more than seven hours of total testimony each
26 day, or 14 hours of total testimony.
 - 27 (4) To any case brought by an employee or applicant for
28 employment against an employer for acts or omissions arising out
29 of or relating to the employment relationship.
 - 30 (5) To any deposition of a person who is designated as the most
31 qualified person to be deposed under Section 2025.230.

1 (6) To any party who appeared in the action after the deposition
2 has concluded, in which case the new party may notice another
3 deposition subject to the requirements of this section.

4 (c) *It is the intent of the Legislature that any exclusions made*
5 *by this section shall not be construed to create any presumption*
6 *or any substantive change to existing law relating to the*
7 *appropriate time limit for depositions falling within the exclusion.*
8 *Nothing in this section shall be construed to affect the existing*
9 *right of any party to move for a protective order or the court's*
10 *discretion to make any order that justice requires to limit a*
11 *deposition in order to protect any party, deponent, or other natural*
12 *person or organization from unwarranted annoyance,*
13 *embarrassment, oppression, undue burden, or expense.*